

Interpretation and Implementation of the Convention

Captive Breeding

PROPOSALS TO REGISTER THE FIRST COMMERCIAL CAPTIVE-BREEDING OPERATION
FOR AN APPENDIX-I ANIMAL SPECIES

1. This document has been submitted by the Secretariat.

Proposal from Germany

2. Through Notification to the Parties No. 955 of 6 February 1997, the Secretariat, in accordance with Resolution Conf. 8.15, informed the Parties of the request by the Management Authority of Germany for the registration of a captive-breeding operation for *Falco rusticolus* and *Falco peregrinus*. A Party objected to the registration within the deadline provided by Resolution Conf. 8.15.
3. The Annex to the present document contains a statement from the Management Authority of Germany regarding its request to register

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Comments of the Secretariat

4. In August 1993, Germany requested the registration of this operation. As the request did not contain all information required by Resolution Conf. 8.15, the Secretariat requested additional details. At the request of the Secretariat, the Management Authority of Germany conducted a thorough investigation and informed the Secretariat that no infraction to CITES by this breeding operation had been discovered in Germany and that it therefore maintains its request for registration.
5. In accordance with a decision taken at the 35th meeting of the Standing Committee, the Secretariat should consult the Parties about the registration. It did this in Notification to the Parties No. 955. Although the deadline for Parties to respond is 6 June 1997, at the time of writing the Secretariat has received one objection from a Party and, therefore, the decision whether to register the operation is being presented to the Conference of the Parties.
6. As stated in Notification to the Parties No. 955, two of the owners of the above-mentioned breeding operation were sentenced in France in 1989 for smuggling five live birds of the species *Falco peregrinus* and eggs of this species, illegally taken in the wild in Spain (decision of the court of Strasbourg of 26 October 1989, confirmed on appeal on 14 May 1990) and are involved in a pending case in Spain.

7. The Secretariat is concerned that several birds produced in this operation may have been exported illegally from Germany, even if the owners of the operation were not directly involved in the suspected illegal export.

Proposal from Honduras

8. Through Notification to the Parties No. 832 of 20 January 1995, the Secretariat, in accordance with Resolution Conf. 8.15, informed the Parties of the application submitted by the Management Authority of Honduras for the registration of a captive-breeding operation for *Crocodylus acutus*. Two Parties objected to the registration within the deadline provided by Resolution Conf. 8.15.
9. – In April 1995, one of the objecting Parties considered that the proposal had technical and scientific deficiencies as well as deficiencies from the point of view of management;
10. – In May 1995, the other objecting Party expressed concern regarding the apparent lack of necessary legislation to implement CITES in Honduras and regarding the fact that Honduras had not submitted annual reports and noted serious concerns that had been raised by the IUCN/SSC Crocodile Specialist Group.

Comments of the Secretariat

11. Regarding the *Crocodylus acutus* operation in Honduras, the Secretariat, in close co-operation with the IUCN/SSC Crocodile Specialist Group visited Honduras in 1995 and the related technical, scientific and management problems were satisfactory resolved. Furthermore, Honduras has complied with its obligations regarding the submission of annual reports.
12. The belief that Honduras lacks the necessary legislation to implement CITES may be due to a misunderstanding of the legal system there. In fact, Honduras has several legal instruments in order to implement the Convention, e.g. the law of accession to the Convention, the General Law on the Environment (Decree 104-93), the Agreement No. 2578-95, which regulates the breeding operations, as well as the Technical Administrative Rules on the Management and Utilization of Wild Fauna. However, regarding the last of these, the Secretariat is not aware whether the Rules were officially promulgated.

Doc. 10.69 Annex

Summary of Activities Carried out by the Management Authority of Germany
to Review and Inspect the Falcon Centre Halvesiek

(submitted by the Management Authority of Germany)

After having carefully checked with various enforcement authorities that there are no legally prosecutable irregularities or infractions, the German CITES Management Authority, i.e. the Ministry of Environment, Nature Conservation and Nuclear Safety, on 23 August 1993, submitted its complete documentation to the CITES Secretariat requesting it to register the Falcon Centre Halvesiek, in accordance with

CITES Resolution Conf. 8.15. This Centre is one of the largest falcon breeding facilities in the world, as an operation breeding Appendix-I animal species in captivity for commercial purposes.

The names of the persons responsible for the breeding operation have been linked to several cases of irregularities

as well as to more-or-less significant infraction of CITES or of national regulations in particular countries. Information on these cases has been well received and reported to the German CITES Management Authority.

Therefore, before the request for registration was formulated and submitted to the CITES Secretariat, an exceptionally thorough and lengthy investigation of the operation was conducted. This involved obtaining advice and the carrying out of several on-site checks by the regional CITES Management Authority of Lower Saxony, the German Scientific Authority and government-approved experts in the identification of birds of prey.

On 21 February 1994, the CITES Secretariat sent an extensive letter to the German Management Authority requesting clarification of several items and additional information with regard to the documents requesting registration.

In consultation with the Scientific Authority of Germany, on 12 July 1994, the Management Authority answered the questions raised in the Secretariat's letter.

No reply was received until 14 May 1996 when the Secretariat sent a fax to the German Management Authority asking how to proceed finally with the request to register the Falcon Centre Halvesiek.

Because of the significant delay in the procedure to register Centre, the Management Authority decided, after close

consultation with the Secretariat, to conduct an additional check of the operation for breeding of Appendix-I species in Halvesiek.

Again, the German Scientific Authority, the regional Management Authority of Lower Saxony, the German

Federal Customs Investigation Agency and the Management Authority undertook a thorough investigation of all activities of the operation since 1993. No evidence was found during this investigation that could be used for any court action.

On 15 July 1996, the German Management Authority informed the Secretariat of the outcome of this additional review, stating that no evidence of any legal significance that might justify the withdrawal of the request for registration had been found by the competent German authorities and that it had no doubts about the *bona fide* of the breeding operation. Moreover, since it is not possible to justify the rejection of any request for registration on the basis of a *nolle prosequi* offence – particularly one relating to a time preceding the date the operation was founded – the Secretariat was asked to take a decision about the notification of the details to the Parties.

This letter resulted in the communication of CITES Notification to the Parties No. 955.